

The Malibu

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Battle brewing over beachfront property sale

By Laura Tate
Associate Editor

Malibu homeowners are preparing for a battle with a local developer over the possible sale of beachfront property to the state for public use.

As an approval by the California Coastal Conservancy was given for up to \$10 million to purchase property on Lechuza Beach Thursday, a group of homeowners filed a lawsuit to stop the possible sale of the land.

At stake is 21 beach front lots and

three inland parcels that front the property of the Malibu Encinal Homeowners Association (MEHOA) homes on Sea Level Drive on Lechuza Point.

Lechuza Villas West, L.P., of which developer Norm Haynie has an interest, purchased a majority of the land for approximately \$2 million in 1990. He has since been involved in litigation with the California Coastal Commission for the past nine years, over the denial of permits to build on the beach lots.

The Coastal Commission felt it inappropriate for private

development. The Coastal Conservancy, at a meeting in Ventura, which members of MEHOA, as well as members representing several environmental groups attended, authorized a disbursement of up to \$10 million to the Mountains Recreation and Conservation Authority (MRCA) to buy the beach property. The total estimated cost of the purchase is \$12.5 million. The conservancy would give \$8 million and an additional \$2 million in a challenge grant, with \$2 million in private donations, and a possible \$500,000

from the State Lands Commission also going toward the projected cost.

The concerns of MEHOA deal with how the beach would be managed and any possible construction, including restrooms and parking lots.

"They're indicating restroom facilities [in the plans]," said Bert Boeckmann, MEHOA board member. "Where do they put them?"

In a site description of the property by the conservancy, the beach area is said to be 130-175 feet wide during the summer, with a cliff

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City Council

candidates approach issues differently

By Sylvie Belmond
Staff Writer

Underneath the politeness.

On the home stretch



Possible se pipes for N

By Sylvie Belmond
Staff Writer

The long brewing battle of discharge of treated wastewater from the Peppertine University, has been a source of contention for the inhabitants of Malibu. The students and staff of Peppertine University, have been a source of contention for the inhabitants of Malibu. The students and staff of Peppertine University, have been a source of contention for the inhabitants of Malibu.

The Malibu

Sharon Bar
Mike Jordan

Yes O
Yes O
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Yes O
And, Al

Lechuza

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on the inland side that rises abruptly approximately 50 vertical feet.

The beach has been accessible to the public for the past nine years through timed locked gates at the west and east ends of Sea Level Drive off Broad Beach Road, open from sunrise to sunset. Another gate exists in the center of the tract off Broad Beach Road, but Tony Giordano, president of MEHOA, said it is not open to the public.

Having the accessway open to the public is another concern of the homeowners, as it passes next to one of the large homes found on the tract.

Boeckmann said when he moved to the tract nearly 30 years ago, several homes were burglarized, which is why gates were installed on both ends of Sea Level Drive.

"There has to be some protection for homeowners," said Boeckmann.

Boeckmann, Giordano and Terence Sternberg, the lawyer representing MEHOA in the lawsuit against the owners of the lots in question, say they have repeatedly asked to be involved in talks about the possible sale. They say that Steve Horn, deputy executive officer of the Coastal Conservancy, met with them in late August, but they were not provided any concrete information about the possible purchase and their concerns about safety and the values of their community were not addressed.

Marcia Hanscom, co-chair of the Sierra Club, one of the groups supporting the purchase, said many of the concerns that environmental groups have about protecting the resources of the beach are in alignment with the majority of the homeowners.

"Some want to keep it a private beach," said Hanscom of the effort to block the purchase.

"The attitude in Malibu is 'we are going to be overrun by others,'" she said. "We are really lucky to live here, we need to share the treasures of the coastline."

"Nothing has really changed," said Haynie. "Wealthy homeowners are trying to prevent access to the beach, even though they claim they provided access for nine years."

"These people will say or do whatever seems to benefit their cause," he continued. "Which is to prevent public access on a permanent basis."

Another contention by the homeowners is that the property is overvalued.

"The two big concerns are, is the price being asked appropriate or too much, and whether or not buying all the property rights is sufficient to get the public down there," said Sternberg.

In fact, State Controller Kathleen Connell recently released a statement supporting the purchase, but is concerned about the fair market value. Apparently, Connell commissioned an independent appraisal which showed the fair market value of the property was \$2.5 million rather than \$12.5 million.

"I am rather surprised that Kathleen Connell would raise an issue with respect to price without contacting the commission which she chairs, or the State Coastal Conservancy to discuss her concerns," said Haynie in response to the statement.

Hanscom said in response to arguments about the value: "Are all the homeowners willing to devalue their lots?"

"They [the state] don't overpay for a piece of property," said Hanscom. "They have to pay for

something that's within fair market value. It is a rigorous appraisal procedure. It had to be done by a state approved appraiser. Horn assured the board members that it had passed all those tests."

In regards to property rights, the homeowners contend they may have the right to control access to the beach through 1932 Covenants, Conditions and Restrictions for the tract.

"I really don't know what to think," said Haynie. "They say they want public access to the beach, but then they sue me with a lawsuit that says public use is inconsistent with CC&Rs."

The MRCA board will vote on Monday whether to take a position and approve taking interim ownership of the Lechuza Beach property.

Meanwhile, both MEHOA members and Haynie continue to battle over who has the right to do what with the property.

"When Haynie bought the property he was told it was worthless," said Boeckmann. "When he couldn't develop it, he came up with this idea as a person doing wonderful things. Somehow he's gone around that the truth is not the truth, that these properties have a value that they do not have."

Haynie vows to fight and retain his right to do what he wants with his property.

"I will cross complain and sue for the entire value of the beach," he said. "I will sue each one of the homeowners for that value. They're all members and they don't have to do this if they don't want to. They have to take responsibility for what their organization does."

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November. Despite the internal consistency, the budget reflects that the target with its estimated expenditure projections.

During the review department reported on made in the past three months.

Paul Adams, 1 Recreations Dept. director to the council, the parks is on target in all responsibilities and plans.

The skate park on Road is a high priority, Adams, who indicated the process of installing electrical water line in the park. The park is open 18 hours recent private donations funds to resurface the skate may even allow for expansions.

The Public Works Department working hard on maintenance projects, but need the help of Caltrans responsible for Pacific Highway.

Chuck Bergson, public works, said, "The gripes with Caltrans is slow response they provide Pacific Coast Highway maintenance."

"Improvements in service on the highway

RWQCB

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cautiously optimistic, it will adopt orders with standards," said Aftergood.

The city is also looking RWQCB to determine actual capacity of the are and what level they should be brought down the onset of wet weather. Aftergood, who wants establish clear parameters constitute a true condition warranting water.

In the past, the city the wastewater treatment

Barovsky

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Barovsky indicates she is well-acquainted with issues that matter to both younger and older citizens in the community since she has raised four

council has approached the school district before and it was not true the district was willing to do so. There simply is not enough

Barovsky also wants to help the city solve the current Coastal Commission dilemma.

"I was very opposed to the bill

State Considers Acquiring Lechuza Beach

Coastal Conservancy Is Expected to Outline Plans for Providing Public Access

The California Coastal Conservancy is expected to consider authorizing funding of up to \$10 million for acquisition of Lechuza Beach at its meeting on September 28 in Eureka.

"Our recommendation to the Coastal Conservancy is to provide the \$10 million for the acquisition of 21 lots on the beach and three inland parcels to connect to the 1,100 linear feet of sandy beach," said Steve Horn, the conservancy's project manager.

Horn said the basic issue his staff report deals with is the price to be paid—if it is a fair market value—if it is supported by a property appraisal and what public benefits would come from the acquisition.

The conservancy spokesperson said, that for the present, the staff recommendation for public access is to maintain what is already provided by the homeowners for the last 10 years.

To eliminate the potential for development. At one time Norm Haynie, who controls the interest in Lechuza Villas West (the entity which owns the property) had sought to develop 14 lots on the sandy beach. The property at one time was owned

by the Adamson family. Last week, the Malibu City Council unanimously passed a resolution reaffirming its support for acquiring the property for public use and added language to the measure also indicating it would not

interfere in any potential access issues that might occur once the property is in the state's hands. "We understand there is substantial concern among the residents and the homeowners association about the results of public acquisition," said Horn, who ticked off a list of those perceived concerns including public access, parking, impacts to the environmental quality of the beach and the possibility of improvements.

"There is a lot of apprehension on the part of the residents and it is our desire to work with everyone," added Horn, who explained that the state taking title to the lots also acquires fee simple ownership of Sea Level Drive. Residents living on the beachside road-

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Currently, the public can access the sandy shoreline via an unlocked pedestrian gate at east and west Sea Level Drive and at a stairwell opposite Bunny Lane, according to Horn. The arrangement calls for beachgoers to park along Broad Beach Road and walk to the beach. "There are no plans for changes [to public access] in the immediate future," he added.

The conservancy staff planner, who kept stressing "plans for the immediate future," insisted the state would probably maintain the status quo, but would possibly begin to consider some kind of beach access for the handicapped, including a parking space somewhere along Sea Level Drive.

"For the longer term, we wish to work out a management plan with the homeowners association, the City of Malibu and the California Coastal Commission and analyze whether physical improvements such as a restroom or drinking water fountain. In view of the limited width of Sea Level Drive, it is probably not likely expected for limited space for handicap parking spaces along Sea Level Drive for the disabled," Horn added.

The conservancy planner noted the inland parcels near or adjacent to the beach were being acquired

Lechuza Beach

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way currently possess easements across the narrow residential lane.

"Does this mean the public would drive down Sea Level Drive? I don't think it is likely the state will have public parking. There are safety concerns [about the narrow lane]. We are not proposing that as an immediate result of the public acquisition the property. I do

think a public parking facility for the disabled is a good idea," said the planner, who noted he believed there was plenty of parking for the public on Broad Beach Road and that the walk down to the sand is not far away.

Horn explained he saw no reason why the state might remove the gates that currently block vehicular

access to the private roadway saying the public has been able to adequately access the beach for the last 10 years under the current arrangements.

The planner noted that any changes sought by the state would require a coastal development permit from the California Coastal Commission.

BY BILL KOENIGER